

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

|                                |   |                                   |
|--------------------------------|---|-----------------------------------|
| Miyano Machinery USA Inc.,     | ) |                                   |
|                                | ) |                                   |
| Plaintiff                      | ) |                                   |
|                                | ) | Civil Action No. <b>08 C 526</b>  |
| v.                             | ) |                                   |
|                                | ) | Hon. Virginia Kendall             |
| MiyanoHitec Machinery, Inc.,   | ) |                                   |
| Thomas ("Tom") Miyano, a/k/a   | ) | Magistrate Judge Nolan            |
| Toshiharu Miyano and           | ) |                                   |
| Steven Miyano, a/k/a Shigemori | ) |                                   |
| Miyano,                        | ) |                                   |
|                                | ) | <b><u>JURY TRIAL DEMANDED</u></b> |
| Defendants                     | ) |                                   |

**AMENDED NOTICE OF MOTION**

**To:**

Vernon W. Francissen  
FRANCISSSEN PATENT LAW, P.C.  
53 W. Jackson Blvd., Suite 1320  
Chicago, Illinois 60604  
(312)294-9980 telephone

Robert M. Karton  
Robert M. Karton, Ltd.  
77 W. Washington St., Suite 900  
Chicago, Illinois 60602-2804  
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**PLEASE TAKE NOTICE**, that on **Thursday, February 7, 2008** at 9:00 a.m. or as soon thereafter as counsel may be heard in the above-captioned action, Plaintiff, Miyano Machinery USA Inc., shall appear before Judge Virginia Kendall in the courtroom usually occupied by her, or before any Judge sitting in her stead, and shall then and there present the motion entitled **Motion for Preliminary Injunction**.

Respectfully submitted,

Dated: February 4, 2008

s/ Jason Smalley  
Edward D. Manzo  
Joel Bock  
Louis J. Alex  
Jason R. Smalley  
Attorneys for Plaintiff

Edward D. Manzo I.D. # 03124728  
Joel Bock I.D. # 00239984  
Louis J. Alex I.D. # 06274458  
Jason R. Smalley I.D. # 06287426

COOK, ALEX, McFARRON, MANZO,  
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### CERTIFICATE OF SERVICE

The undersigned declares that he/she is over the age of 18 years, not a party to this action, and employed in the County of Cook, by Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd., Attorneys at Law, 200 West Adams Street, Suite 2850, Chicago, Illinois 60606.

On the date listed below, I caused the filing of the foregoing **Amended Notice of Motion** with all its attachments and exhibits. I caused the service of these aforementioned documents on the following individuals, as addressed below, by the means indicated, and on the date listed below:

Vernon W. Francissen  
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\_\_\_\_\_ (BY MAIL) by placing for collection and deposit in the United States mail true copies of the documents at Chicago, Illinois in a sealed envelope with postage thereon fully prepaid, to the Chicago, Illinois addressee(s) shown above at the address(es) shown above.

  X   (BY HAND DELIVERY) I caused each such document to be personally delivered by hand to the Chicago, Illinois addressee(s) shown above.

\_\_\_\_\_ (BY FACSIMILE) I caused each such document to be sent by facsimile to the addressee(s) shown above.

\_\_\_\_\_ (BY OVERNIGHT COURIER) I caused this document to be sent by overnight courier for next day delivery, with all charges pre-paid, to the addressee(s) shown above at the address(es) shown above.

\_\_\_\_\_ (BY ELECTRONIC MEANS) I caused this document to be electronically mailed (emailed) to the addressee(s) shown above.

\_\_\_\_\_ (BY ELECTRONIC MEANS) I cause each such document to be sent by electronic means through the Electronic Court Filing system to the addressee(s) shown above, pursuant to LR 5.9.

Executed on February 4, 2008 at Chicago, Illinois.

Signed:           s/ Jason Smalley